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EXAMINER	
JANVIER, JEAN D	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/764,709	JOKINEN ET AL.	
	Examiner	Art Unit	
	Jean D Janvier	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-34 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-34 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response To Applicant's Amendments

The Examiner approves the Applicant's amendments to the claimed invention. Further, it appears that the Draftperson did not have any objection to the formal drawings and the Examiner shares this opinion. A new copy of the initialed PTO Form 1449 is herein being provided.

Response To Applicant's Arguments

Applicant's arguments with respect to claims 1-4 and 17-24 have been fully considered, but are moot in view of new grounds of rejection.

Furthermore, with respect to claims 5 and 25, Applicant argues in general that Buss does not create an advertising message including content dynamically generated based on the number of mobile terminals selected using the at least one specific criterion to receive the advertising message, as recited in independent claim 5, and that in fact the Examiner earlier acknowledges, regarding claims 1, 17 and 21, that **Buss does not expressly disclose the steps of defining a price for the advertising message based on the number of mobile terminals matching the criterion.** Claim 25 further includes, continues the Applicant, another limitation directed to controlling the message content before the message is transmitted to the terminals, which is not disclosed by Buss. The Examiner completely and respectfully disagrees with the Applicant's findings. In general, Buss discloses sending a targeted advertising message to a plurality of qualified mobile users based on the users' purchase habits or history when the mobile users are within a geographic location proximate to a local store selling, for example, a product featured in the advertising message. Here, the advertising message content is specifically

generated and targeted at the qualified mobile users in accordance with their purchase habits, stored in a database, wherein the advertising message is selected and presented to the users when they are in a location of interest. Technically speaking since the users' purchase habits or history is stored in a database and the targeted advertising message is specifically directed to the qualified mobile users' attention, then it can be inferred here that the system is capable of determining at any given time the number of qualified mobile users who will receive the (a) particular advertising message based on the users' purchase history stored in the database, as understood by professionals in the art. Hence, the prior art or the Buss's Patent does not have to explicitly disclose the argued claim limitations to render the claims (claims 5 and 25) anticipated. In other words, failur e of those skilled in the art to contemporaneously recognize an inherent property, function or ingredient of a prior art does not preclude a finding of anticipation (MPEP 2131.01 (III). **It apears here that the Applicant equates distributing the advertising message based on the number of mobile recipients to distributing a promotional offer or a coupon having an associated value based on the number of mobile recipients.** These are two different claim limitations. In the former, the number of qualified mobile recipients, which does affect the content of the advertising message contrary to the Applicant's conclusion, is implicitly supported or taught in the prior art. However, in the latter claim limitation, the number of qualified mobile recipients receiving the promotional offer or coupon is important since it directly affects the value of the coupon that each mobile recipient will receives. Hence, the content of the promotional offer or message (specifically the value of the disclosed coupon- See fig. 4 of Application drawings) is affected by the number of mobile recipients. Additionally, the Examiner stated in the last Office Action **that Buss does not teach pricing an advertising**

message based on the number of mobile recipients. Here, although Buss implicitly supports distributing an advertising message to a known number of qualified mobile recipients, wherein the generation of the content of the advertising message is not directed affected by the number of mobile recipients (the advertising message is different from the promotional offer or coupon), and charging the advertiser for presenting the advertising message to the mobile recipients, however, Buss does not expressly disclose charging the advertiser based on the number of mobile recipients receiving the advertising message (pay per-click, pay per-impression-type). The Examiner's position has been consistent thus far. See col. 4: 24-42 of the Buss's Patent.

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments as herein presented are not plausible and thus, the current **Office Action has been made Final.**

DETAILED ACTION

Specification

Claim Objections

Claims 21-24 are objected to because of the following informalities:

Concerning claim 21, after the first instance of "a promotional offer" as recited in lines 12-13, any subsequent recitation of "a promotional offer" therein should be replaced with --the promotional offer--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 17-20, 21-24, 10, 12-14, 29, 31-33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buss et al. (hereinafter Buss), US Patent 5, 539, 395A in view of Bandera, US Patent 6, 332, 127.

As per claims 1-3, 17-19 and 21-23, Buss discloses a location dependent information receiving system and method for displaying over a paging system location-oriented messages, such advertisements, on a plurality of users' paging device (cellular telephone) screens if the users or the users' paging devices are within a targeted location, proximate to a local store or store chain selling a product featured in at least one transmitted message or advertising message,

matching a location identifier (criterion) as specified by the advertiser of the at least one (transmitted location specific) message or advertising message. In other words, an advertising message for a local store or store chain may be broadcast only to customers being in the vicinity of the local store(s) or a single transmission via the paging system of the advertising message or the incoming signal may be received by a plurality of paging devices located in the proximity (within an area of coverage) of the local stores (generating an advertising message to be transmitted in a single transmission to a number of mobile units).

In another embodiment, the incoming signal or advertising message may only be broadcast to paging devices if the incoming signal location identifier matches the current location of at least one paging device and an address marker or identifier embedded in the message matches the paging device address of the receiving paging device. The latter helps reduce the transmission of unwanted messages to the users of the devices or helps reduce the amount of sorting or going through unwanted information transmitted to the users of the paging devices via the paging system. Specifically addressing the incoming signal to particular devices located in the vicinity of a location of interest allows the system to identify the users associated with the paging devices and wherein **the users' profile, such as purchasing habit**, can be used to transmit targeted messages to the users when the users' presence is detected, via the uniquely addressable paging devices, within an area of coverage or area of interest. Once again, the transmission of the targeted information or advertising message to the users reduces the amount of information that the users sort through in order to find information relevant to them since the information is specific to the users and related to the vicinity in which the users are or intend to be. It is further recognized in the Buss's system that the advertiser will be charged for

distributing his advertising message to the targeted or qualified users contingent upon a prior business agreement (broadly speaking, the advertiser will pay a fee for distributing advertisements to qualified mobile users over the network whether or not the advertisements are transmitted along with other data such coupon information).

(See abstract; col. 1: 39-48; col. 2: 24-34; col. 3: 58 to col. 4: 46; col. 5: 36-57; col. 5: 64 to col. 6: 17).

As per claims 1, 17, 21, 4, 20, 24, 10, 12-14, 29 and 31-34, Buss does not expressly disclose the steps of associating with the advertising message transmitted to the selected mobile terminals a promotional offer or an electronic coupon, defining a monetary value related to the promotional offer based on the number of mobile terminal users selected, validating and tracking the use of the electronic coupon or promotional offer after the coupon has been redeemed by transmitting the coupon data from the mobile terminals to a store POS system.

However, Bandera discloses a method, system and/or computer program product for providing time and location specific advertising object and other information object via a communication means 25 of fig. 1 to a user or customer using a portable terminal or mobile web client 21 of fig. 1, having a display or screen, an input device and so forth, connected to the communication means 25 wherein advertising object 32 and other information 34 are returned to the user via a web page 26 in response to the accessing a web site by the user for information and wherein an object oriented programming language such as JAVA (software) or more specifically a JAVA Virtual Machine or JVM is running on the portable terminal so as to allow JAVA

Applets (programs written in JAVA) to run on the portable terminal, thereby selecting advertisements to be displayed on the screen of the portable terminal based on the present location, and/or time of the day, associated with the mobile web client or portable terminal used by the user. (See abstract; figs. 1 and 6; col. 2: 33 to col. 3: 41; col. 5: 26 to col. 6: 24; col. 9: 29-41).

In another embodiment, an advertisement object can be selected based on the time of the day a user's request is received by a web server. For example, an advertisement object related to bagels may be selected by the web server and displayed within the requested web page along with requested information when the web page request is received between the hours of 6:00 AM-9:00AM, wherein the bagels are sold at a store located in the same area as the user of the Web client. Indeed, an electronic coupon associated with bagels sold at the advertiser's local store is transmitted to the user's mobile client (Handheld device, PDA, cellular phone, etc.) for reading the advertising message, wherein the coupon is stored in the user's mobile device before it is being redeemed at the local store. Data associated with the electronic coupon include an expiration date, a serial number, encrypted information (location identifier and time identifier), wherein the encrypted information is used to prevent the user from manually and programmatically modifying the contents of the stored coupon, especially the coupon value. The user can then take the mobile client to the advertiser's local store POS where during a synchronization process between the mobile client and the POS system, conducted via an IR link, wireless connection, wireline connection, RF link, BlueTooth radio standard connection or a serial cable, the electronic coupon data, including the encrypted information, are transferred to the POS system, which decrypts the received encrypted coupon information to validate the

location information, the time of day information and the value of the coupon to thereby making sure that the coupon data were not tampered with before effecting a redemption by applying a price reduction to the user's or customer's order when the required product is purchased. Further, a network registry of coupon serial numbers is utilized **to track** the use of the coupon to thereby reduce the risk of a coupon being used more than once. At the conclusion of the transaction or redemption, the network registry of coupon serial numbers is updated to reflect the redemption of the said electronic coupon (tracking the use of the coupon) (col. 7: 41-52; col. 7: 56 to col. 9: 42).

See col. 2: 11-23; col. 4: 46-60; col. 6: 42 to col. 7: 52; figs. 6, 8 and 9A-9B.

In addition, it is common practice to print a serial number, a product UPC code, a user's specific code, a redemption location, a coupon value, an expiration date, etc., on a coupon. Hence, the type of information that needs to be printed on a coupon varies from one coupon distributor to another and hence, it is a matter of choice. It is also customary in the art for a product manufacturer, a product distributor, a coupon issuer or an advertiser providing one or more coupons, related to one or more specific products, to qualified users during a promotional period or advertising campaign to limit the number of coupons that can be distributed or issued to the users by tracking the coupon usage through redemption data or reports collected from associated retailers (See the Golden's Patent cited as prior art by the Applicant and Lemon's Patent in the conclusion section). Finally, it is well established in the industry that an advertiser or a product promoter conducts an advertising or promotional campaign based on a fixed budget set aside to run the campaign including providing an incentive or a discount coupon to a limited

group of users, wherein the monetary value associated with each offer or discount coupon or incentive is dependent upon the associated budget ("Official Notice").

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the location and time sensitive system of Bandera (the above disclosure) into the Buss's system of Buss so as to transmit an advertising message along with an electronic coupon from an advertiser to at least one of a plurality of qualified users of mobile terminals or paging devices if the at least one user is within a coverage area or area of interest (where the advertiser's local store is located) at a particular time of the day, wherein the electronic coupon data, including expiration date, coupon serial number and encrypted information representative of the local store location or redemption site, the time of the day and the value of the coupon, are stored in the user's mobile terminal for later retrieval and usage, wherein the value of the coupon is set or defined in accordance with the number of targeted users and a predetermined budget set aside by the advertiser to run the promotional campaign and wherein the coupon is validated during a redemption process via the mobile devices and tracked afterwards to prevent fraudulent activities, thereby rendering the advertising or message distribution system more flexible and more dynamic while encouraging the user of a cell phone, paging device or mobile client, whose presence is detected via his mobile terminal in the vicinity of the advertiser's local store, to read an advertising message related to a product or service sold or available at the local store and transmitted on behalf of the advertiser from the paging system and displayed on the screen of the user's s mobile device by providing an electronic coupon, related to the transmitted advertisement, to the user for viewing the transmitted advertising message and wherein the user

may use the electronic coupon during a redemption or synchronization process between the mobile client or mobile terminal and the local store POS system, conducted via an IR link, wireless connection, wireline connection, RF link, BlueTooth radio standard connection or a serial cable, where the electronic coupon data, including the encrypted information, are transferred to the POS system, which decrypts the received encrypted coupon information to validate the location information, the time of day information and the value of the coupon to make sure that the coupon data were not tampered with before effecting a redemption by applying a price reduction, equal to the value of the coupon calculated or defined in accordance with the number of targeted users and the advertiser's predetermined budget, to the user's or customer's order when the required product or service featured in the advertising message is purchased and at the conclusion of the transaction or redemption, a network registry of coupon serial numbers is updated to reflect the redemption of the said electronic coupon by flagging or deleting the redeemed coupon serial number from the registry in order to reduce the risk of a coupon being used more than once.

Claims 11 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Buss and Bandera as applied to claims 10 and 29 above, and further in view of Dedrick, US Patent 5, 724, 521.

As per claims 11 and 30, the combination of Buss and Bandera does not expressly disclose the step of providing a credit or a coupon related to a transmitted advertising message to

the user (the advertisement comprising an electronic coupon), wherein the value of the credit or coupon is determined by a second criterion.

However, Dedrick teaches a system for providing electronic advertisements to consumers or users in a consumer best-fit profile wherein an advertiser pays the owner of an advertising medium based on how well the consumer's profile matches the advertiser's defined profile as determined by a Metering server 14 of fig. 1. The higher the profile or characteristics of the consumer served by a particular Metering 14 of fig. 1 falls, the higher the fee charged to the advertiser (See abstract). Moreover, the consumer or end-user is provided via his client system 12 of fig. 1 with a software having a graphical user interface (GUI) to participate in the advertising distribution system 10 of fig. 1. The software contains a plurality of fields that allow the consumer or user to input, among other things, his name, password, demographic or psychographic profile information. In addition, the software permits the consumer to receive inquiries, request information by viewing, storing and printing. The client system 12 of the user may also be provided with tools to create content. Further, the software allows the monitoring of the consumer's behavior or interaction with the advertisement in order to measure the effectiveness of the advertising distribution system (col. 3: 29 to col. 4: 2). In fact, a statistical compilation process or tool 26, stored in the consumer's client system 12 permanent memory or hard disk drive, compiles statistical data regarding the consumer's interaction with a piece of information or advertisement from a given advertiser and subsequently forwards these data to Metering server 14 for further processing when the consumer establishes a communication with system 10. In other words, Here, the statistical data include how time the end-user spent

consuming a unit of information or advertisement or electronic content and how much of the advertisement or electronic content was actually consumed or viewed by the end-user. For instance, a particular advertisement may include ten different screens, which are displayed to the consumer via client system 12. If the consumer spends 15 seconds viewing the first screen and 15 seconds viewing the second screen and then terminates the display, the statistic compilation process 26 transfers information to the Metering server 14 indicating that the specific consumer, having a specific profile, had spent 30 seconds reading the first and second screens (two screens out of ten or 20% usage or consumption-Col. 9: 28-48). **Moreover, at Metering server 14, the compiled information or statistical data is used not only to measure the effectiveness of the system, but also to bill or debit the advertiser's account and credit the consumer's account for spending 30 seconds viewing the two screens out of ten associated with the particular advertisement (fig. 7b; col. 13: 53-63). In other words, the advertiser of a transmitted advertising message, having specific criteria, is charged for the distribution of the advertising message to at least one user based on the number of the user's variables or parameters (from the user's aggregate profile) matching the advertiser's specific criteria and a clearinghouse or processing center debits the advertiser's account based on this matching and based on the number of total users who receive this message or other messages from the same advertiser. Finally, the user's account is credited for reading the advertiser's advertising message (providing a credit or an incentive or a coupon related to the advertising message to the user) such that a credit pricing hierarchy may be established. In short, if a recipient of the advertising message is a highly targeted end-user,**

he will receive a larger credit or incentive than an end-user that was not targeted by the advertiser/publisher (col. 12: 49-65; col. 13: 64 to col. 14: 43).

Furthermore, it is common practice in the art to provide more credits or incentive values to a user who agrees to read more detailed information related to a transmitted advertising message.

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the system of Dedrick into the systems of Buss's and Bandera so as to transmit an advertising message, having specific criteria, from an advertiser to at least one of a plurality of users of mobile terminals or paging devices if the at least one user is within a coverage area or area of interest and if variables or parameters from the user's aggregate profile match some of the advertiser's criteria to display an advertising message to a mobile user and to have a clearinghouse or processing center debit the advertiser's account based on this profile variables and proximity or location matching and based on the number of total users who receive this message or other messages from the same advertiser, wherein the user's or recipient's account is credited for reading the advertiser's message displayed on the screen of his mobile device and a credit pricing hierarchy may be established such that if a recipient of the advertising message is a highly targeted end-user, he will receive a larger credit or incentive value (coupon value determination) than an end-user that was not highly targeted by the advertiser/publisher, thereby rendering the advertising or message distribution system more flexible and more dynamic while encouraging the user of a cell phone or paging device, whose presence is detected

via his mobile terminal in the vicinity of the advertiser's local store, to read an advertising message related to a product or service sold or available at the local store and transmitted on behalf of the advertiser from the paging system and displayed on the screen of the user's s mobile device by crediting an account associated with the user for viewing the transmitted advertising message such that the user receives a higher credit value for being a highly targeted user and wherein the user may redeem or use some of his accumulated credits to acquire or purchase the featured product or service at the advertiser's local store.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5, 6, 7, 8, 9, 15, 16 and 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Buss et al. (hereinafter Buss), US Patent 5, 539, 395A.

As per claims 5, 6, 7, 8, 9, 15, 16 and 25-28, Buss discloses a location dependent information receiving system and method for displaying over a paging system location-oriented messages, such advertisements, on a plurality of users' paging device (cellular telephone) screens if the users or the users' paging devices are within a targeted location, proximate to a local store

or store chain selling a product featured in at least one transmitted message or advertising message, matching a location identifier (criterion) as specified by the advertiser of the at least one (transmitted location specific) message or advertising message. In other words, an advertising message for a local store or store chain may be broadcast only to customers being in the vicinity of the local store(s) or a single transmission via the paging system of the advertising message or the incoming signal may be received by a plurality of paging devices located in the proximity (within an area of coverage) of the local stores (generating a an advertising message to be transmitted in a single transmission to a number of mobile units).

In another embodiment, the incoming signal or advertising message may only be broadcast to paging devices if the incoming signal location identifier matches the current location of at least one paging device and an address marker or identifier embedded in the message matches the paging device address of the receiving paging device. The latter helps reduce the transmission of unwanted messages to the users of the devices or helps reduce the amount of sorting or going through unwanted information transmitted to the users of the paging devices via the paging system. Specifically addressing the incoming signal to particular devices located in the vicinity of a location of interest allows the system to identify the users associated with the paging devices and wherein the users' profile, such as purchasing habit, can be used to transmit targeted messages to the users when the users' presence is detected, via the uniquely addressable paging devices, within an area of coverage or area of interest. Once again, the transmission of the targeted information or advertising message to the users reduces the amount of information that the users sort through in order to find information relevant to them since the

information is specific to the users and related to the vicinity in which the users are or intend to be.

(See abstract; col. 1: 39-48; col. 2: 24-34; col. 3: 58 to col. 4: 46; col. 5: 36-57; col. 5: 64 to col. 6: 17).

Conclusion

Although the following references were not officially used in the Office Action, they were highly considered.

US Patent 4,674,041 to Lemon discloses a system having remotely located coupon printing stations installed in stores and capable of limiting the number of coupons printed in a given time period. Each coupon station has a display for indicating the available coupons, selection means to allow a consumer to choose the desired coupon and a coupon printer coupled to a station for printing the selected coupon. The system disables display of a particular coupon when a pre-selected coupon limit has been reached (col. 2: 16-19; col. 3: 39-54; col. 4: 47-51).

US Patent 6, 647, 269 to Hendrey teaches a method and system for analyzing a targeted advertisements delivered to a mobile unit, wherein location information of the mobile unit and a the profile (preferences) of the user of the mobile unit are used to generate a targeted advertisement for the user and wherein the location of the mobile unit and the user's preferences match a local business location and preferences. Upon detecting the presence of the mobile unit in the local business geographic area or radius (as covered by a base station), an

advertisement, tailored to the user's psychographic profile, for the business is transmitted to the mobile unit. Subsequent to this transmission, the position of the user or the mobile unit is monitored or tracked to determine the effectiveness of the transmitted advertisement (verifying reception). If the user enters the business location or store and/or makes a timely purchase associated with an item featured in the advertisement and sold at the business store, then the advertisement is recorded or logged as being successful. Furthermore, if the user bas not entered the store within a preset period of time subsequent to receiving the advertisement or moves away from the store, then the advertisement has failed. (See abstract; fig. 1-2; col. 1: 55 to col. 2: 40; col. 3: 18-23; col. 4: 28-45; col. 5: 13-25).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113.

Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final- 703-872-9327

Before Final -703-872-9326

Non-Official Draft- 703-746-7240

Customer Service- 703-872-9325

JDJ

11/03/04

Jean D. Janvier

Patent Examiner

Art Unit 3622